

the subject matter of claim 12 is sufficiently like the subject matter of the elected claims that examining this claim in the present application would not place an undue burden on the Examiner. In particular, a search on examination of product claims 13-25 would encompass a search and examination of method claim 12.

Applicants also respectfully request ~~rejoinder of non-elected method claim 12~~. Where product and process claims are presented in the same application, Applicants may be called upon under 35 U.S.C. §121 to elect claims to either the product or process. MPEP §821.04. However, in the case of an elected product claim, rejoinder will be permitted when a product claim is found allowable and the withdrawn process claim depends from or otherwise includes all the limitations of an allowed product claim. *Id.* Since process claim 12 includes all the limitations of allowable product claim 13, the process claim 12 must be rejoined with the product claims. Applicants respectfully request withdrawal of the Restriction Requirement and rejoinder of claims 12.

II. Rejection Under §103

Claims 13, 14, 16, 21 and 25 are rejected under 35 U.S.C. §103 over Usami in view of "Applicants' own admissions." Applicants respectfully traverse the rejection.

Independent claim 13 is directed to a recording medium molded in a form of a disk and having a recording layer, a disk-shaped resin layer provided on said recording layer, and a hole at the center of said resin layer, wherein: ring shaped first and second concaves, a resin film formation area, and a ridgy resin film are provided on a surface of said resin layer, said first and second concaves are provided with a center of said hole as centers of said first and second concaves in concentric relation, said resin film formation area is constituted of a land between said first and second concaves, and said ridgy resin film is provided onto said resin film formation area and raised above said surface of said resin layer. Such a recording medium is not taught or suggested by Usami and the alleged Applicants' admissions.

Usami discloses an optical recording medium that includes a substrate, a recordable layer formed on one surface of the substrate and that has plural data patches, and a lens layer formed on another surface of the substrate that comprises plural lenses for optically reading respective data of plural data patches when the data patches are illuminated with light. See Usami at Abstract. According to the invention of Usami, the concaves (lenses) merely dot the surface of the recording medium, such as shown by lenses 22 in Figs. 2A and 2B.

Thus, while Usami discloses plural lenses, Usami does not disclose, teach or suggest plural lenses (concaves) that are provided with a center of a hole as centers of said concaves in concentric relation, as claimed. That is, while Usami discloses multiple scattered lenses on the recording medium surface, Usami does not teach or suggest that those multiple lenses are located concentrically of each other, and that those multiple lenses share a common center, which is the center of a hole in the recording medium. Usami nowhere teaches or suggests that the overall design of the recording medium should or even could be changed by altering the non-concentrically located lenses to instead be concentrically located sharing a common center, as claimed.

Furthermore, Usami does not teach or suggest the claimed ridgy resin film provided onto said resin film formation area and raised above said surface of said resin layer. That is, according to the claimed invention, a ridgy resin film is formed on the land between the first and second concaves in concentric relation. Usami likewise does not teach or suggest the use of such a ridgy film, or its specific location as claimed.

The alleged Applicants' admissions do not overcome these deficiencies of Usami. The Office Action cites Fig. 9 of the present application as a teaching of the use of a ridgy resin film, as claimed. The Office Action asserts that it would have been obvious to incorporate the ridgy resin film of Fig. 9 into the recording medium of Usami to practice the claimed invention. Applicants disagree.

Any combination of Fig. 9 into the recording medium of Usami would not provide the claimed invention. Such a combination would result only in a recording medium having a ring-shaped ridgy resin film, and multiple concaves dotting the medium surface located within and without the ring-shaped ridgy resin film. The result would not be a ridgy resin film formed on the land between the first and second concaves in concentric relation, and where the first and second concaves share a common center, which is the center of a hole in the recording medium. Nor does either Usami or the alleged Applicants' admission provide any motivation to modify the resultant combination to provide the claimed invention.


Accordingly, for at least these reasons, any combination of Usami and the alleged Applicants' admission would not provide the claimed invention. The invention of independent claim 13, and dependent claims 14, 16, 21 and 25, would thus not have been obvious over the cited references. Reconsideration and withdrawal of the rejection are respectfully requested.

III. Conclusion

In view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 12-25 are earnestly solicited.

Should the Examiner believe that anything further is desirable in order to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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